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9 Attorneys for Defendants **BANK OF AMERICA, N.A.**
10 and **RECONTRUST COMPANY, N.A.**

11 **UNITED STATES DISTRICT COURT,**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **JOSE MANUEL BEDALLA,**

14 Plaintiff,

15 vs.

16 **BANK OF AMERICA, N.A.**, organized and
17 existing under laws of New York,
18 **RECONTRUST COMPANY, N.A.**, is
19 organized and exists under the laws of the State
20 of Texas,

21 Defendants.

CASE NO.: 5:12-cv-02307-PSG

Complaint Filed: May 8, 2012

Assigned to Magistrate Judge Paul Singh
Grewal
Courtroom 5, 4th Floor

**DECLARATION OF DAVID B. EPSTEIN
REQUESTING**

1. **CONTINUANCE OF THE CASE
MANAGEMENT CONFERENCE
AND ASSOCIATED DATES;**
2. **THAT HE MAY PARTICIPATE
IN THE CASE MANGEMENT
CONFERENCE BY TELEPHONE
PURSUANT TO L.R. 16-10(a);**
3. **THAT ONE OF HIS
ASSOCIATES BE PERMITTED
TO APPEAR AT THE CASE
MANAGEMENT CONFERENCE
INSTEAD OF LEAD TRIAL
COUNSEL IF THE CASE
MANAGEMENT CONFERENCE
IS NOT CONTINUED.**

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**DECLARATION OF DAVID B. EPSTEIN REQUESTING CONTINUANCE OF THE CASE
MANAGEMENT CONFERENCE AND ASSOCIATED DATES- 5:12-cv-02307-PSG**

DECLARATION OF DAVID B. EPSTEIN

I, David B. Epstein, declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am a partner at the law firm Epstein Turner Weiss, A Professional Corporation. The matters stated herein are based upon my personal knowledge and, if called upon, I could and would testify competently thereto.

2. Our office currently represents Bank of America, N.A. ("BANA") and Recontrust Company, N.A. ("Recontrust"), defendants in this lawsuit.

3. BANA was served with a summons and plaintiff's complaint on or about July 27, 2012. BANA's response is due by August 17, 2012. Recontrust has not yet been served.

4. The court's docket shows that a case management conference is set for August 21, 2012 and the case management statement, initial disclosures and Rule 26(f) report were due yesterday, i.e. three days before BANA is required to appear.

5. BANA has been unable to contact the plaintiff to meet and confer regarding the case management conference or any other matters because the plaintiff did not provide a phone number or email address on any of the papers that were served on BANA and we have been unable to locate an active telephone number or email address for plaintiff through other means.

6. Due to the dates set on the current calendar, BANA was unable to submit a case management conference statement, rule 26(f) report and initial disclosures by the August 14, 2012 due date.

7. BANA intends to appear in this case by August 17, 2012 and will be able to comply with the court's case management and ADR requirements within a reasonable time thereafter.

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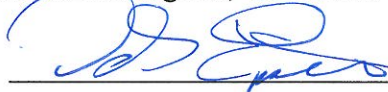
1 8. For the reasons set forth above, BANA respectfully requests that the case
2 management conference be continued one month until September 18, 2012 and that all dates based
3 on the case management conference date be reset accordingly.

4 9. Regardless of when the case management conference is held, I request to participate
5 in it by telephone pursuant to L.R. 16-10(a) in order to save the expense of travel, as our firm's
6 office is located in Los Angeles, California.

7 10. I will be lead trial counsel for BANA in this matter. Should the case management
8 conference go forward on August 21, 2012, I request that one of my firm's associates be permitted
9 to appear at the conference in my place, as I must conduct a deposition on that day that was
10 scheduled prior to our firm's retention in this matter. That deposition has already been continued at
11 least once. The associate from my firm will be fully knowledgeable about the case.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct.

14 Executed this 15th day of August, 2012 at Los Angeles, California.

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19 DAVID B. EPSTEIN

20 Case management conference: 9/18/12 at 2:00 p.m.

21 Case management statement due by: 9/11/12.

22 Counsel is instructed to contact CourtCall at 866-582-6878
23 to arrange for telephonic appearance.

24 IT IS SO ORDERED

25 Dated: August 17, 2012

26 

27 Paul S. Grewal

28 U.S. Magistrate Judge